



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 10

1200 Sixth Avenue, Suite 155
Seattle, WA 98101-3123

MAY 13 2019

SUPERFUND &
EMERGENCY
MANAGEMENT DIVISION

Robyn Thorson
Regional Director
United States Fish and Wildlife Service, Region 1
911 N.E. 11th Avenue
Portland, Oregon 97232

Dear Director Thorson:

The purpose of this letter is to provide notice under Section 122(j) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. §122(j), to the United States Department of Interior, a federal natural resource trustee, that the U.S. Environmental Protection Agency (EPA) intends to initiate negotiations with the Potentially Responsible Parties (PRPs) for the Ballard Mine Superfund Site (Site) to implement the selected remedy. As you may know, EPA completed a remedial investigation/feasibility study (RI/FS) at the Site and expects to issue a Record of Decision (ROD) in May 2019 documenting the selection of a remedy for the Site. EPA expects to initiate special notice procedures under CERCLA Section 122(e) in order to commence negotiations with the PRPs this spring. Negotiations, if successful, will result in a consent decree for remedial design and remedial action, which will be filed in federal district court by the U.S. Department of Justice.

EPA is required to notify the federal natural resource trustees when a release or threatened release of any hazardous substance is the subject of negotiations under CERCLA Section 122 and may have resulted in damages to natural resources. The Department of Interior acts as trustee for natural resources as set forth in 40 C.F.R. § 300.600.

If you have determined that the Secretary of Interior is prepared to resolve any natural resource damage claims on behalf of the Bureau of Indian Affairs, the Bureau of Land Management, or the United States Fish and Wildlife service, within the time frame for EPA's consent decree negotiations addressing remedial design and remedial action at the Site, please notify EPA by May 25, 2019. Please be aware that if the natural resource trustees do not participate, the United States will reserve in the consent decree all rights against the Settling Defendants with respect to liability for injury to, destruction of, or loss of natural resources, and for the costs of any natural resource damage assessments.

Please have the appropriate staff contact Dave Tomten, Remedial Project Manager, at (208) 378-5763, or Nick Vidargas, Assistant Regional Counsel, at (206) 553-1460. Thank you for your attention to this matter.

Sincerely,


Sheryl Billbrey
Director

cc: Bryan Mercier, Regional Director, Bureau of Indian Affairs, Northwest Regional Office
John Ruhs, Idaho State Director, Bureau of Land Management
Sandi Fisher, United States Fish and Wildlife Service
Jeff Cundick, Bureau of Land Management
BJ Howerton, Bureau of Indian Affairs
Deirdre Donohue, Office of the Solicitor, United States Department of the Interior